

ment, the said Thompson, in person or by counsel, follow, the said Tendick rejoin and the said Thompson conclude said argument.

J. H. Bell, Esq., then proceeded to address the Senate in behalf of the sitting member, R. P. Tendick.

On motion the Senate adjourned until 3 o'clock P. M.

The Senate met at 3 o'clock P. M. pursuant to adjournment, pending the case of Wells Thompson v. R. P. Tendick.

On motion of Senator Flanagan the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, February 5, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Flanagan the reading of the journal of yesterday was dispensed with.

Senator Shelley presented a petition for the relief of Q. J. Nichols. Read and referred to the Committee on Claims and Accounts.

Senator Sayers, chairman of the Committee on Engrossed Bills, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 17. "An act to incorporate Rusk Masonic Institute, located in Rusk, Cherokee county, Texas."

J. D. SAYERS, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred petition of Bertha Staffel, having had the same under careful consideration, instruct me to report the same back and recommend the passage of the accompanying bill.

W. H. SWIFT, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills report that Senate bill No. 2, entitled "An act to repeal an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24, 1870, was presented to the Governor for his approval and signature on the third day of February, at 11:30 o'clock A. M.

H. R. LATIMER, Chairman.

Senator Flanagan introduced a bill entitled "An act to amend an act incorporating the Brazos River City and Improvement Company." Read first time, and referred to the Committee on Internal Improvements.

Senator Broughton introduced a bill to be entitled "An act supplementary to an act prescribing the mode of proceeding in district courts in matters of probate." Read first time, and referred to Judiciary Committee No. 2.

On motion of Senator Shelley, Senate bill No. 49, supplementary to and amendatory of "An act to incorporate the Galveston Medical College Hospital," approved May 31, 1871, was taken from its regular order under a suspension of the rules, and read third time.

Senator Shelley proposed to amend the bill by striking out of fifth line, eleventh section, the words "transient and;" and prefixing to sixth line, same section, the words "citizens of the State of Texas." Adopted, and bill passed by the following two-third vote:

Yeas—26; nay—1.

Senator Finlay offered the following resolution:

1. *Resolved*, That a committee of five be appointed, to act in conjunction with a like committee on the part of the House, to investigate certain charges preferred against T. C. Barden, Judge of the Sixteenth Judicial District, a copy of which was transmitted to the Senate by the House on the fourth instant.

2. *Resolved*, That said committee be empowered to send for persons and papers, and to administer oaths, and that Judge T. C. Barden be permitted to appear before said committee in person or by counsel, or both.

Adopted.

The President announced Senators King, Shelley, Henry, Baker and Frank, said committee.

A message was received from the House informing the Senate that the House had passed House bill No. 77,

"An act permanently locating the county seat of Kinney county."

The Senate then proceeded to consider the business pending at the last adjournment, viz., the matter of contest between Wells Thompson and R. P. Tendick.

A message was received from the House informing the Senate of the passage by the House of House bill No. 40, to repeal sections thirty-one and thirty-two of an act concerning private corporations, approved December 2, 1871; also of the passage by the House of House bill No. 10, to legalize and make valid the recent election in Wilson county.

Senator Dillard moved the adoption of the report of the committee.

On motion of Senator Shelley the pending matter was postponed until Monday next, and made special order for 11 o'clock A. M. by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Cole, Dillard, Dohoney, Evans, Henry, King, Latimer, Pyle, Randle, Sayers, Shelley, Swift, Word, and Mr. President—17.

Nays—Senators Ball, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Ruby, Saylor, Tendick, and Tracy—13.

On motion of Senator Cole the Senate adjourned until 10 o'clock A. M. to-morrow.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 6, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present.

On motion of Senator Dillard, the journal of yesterday was so amended as to show that his motion to adopt the resolution reported by the Committee on Privileges and Elections, in the matter of contest between Wells Thompson and R. P. Tendick, was the pending motion when the matter was postponed.

The journal, as amended, was then adopted.

Senator Tracy presented the petition of sundry citizens of Montgomery county, asking the removal of the county seat, etc. Referred to Committee on Counties and County Boundaries.